# Sage-grouse Habitat Conservation Advisory Council

#### **NOTES**

Meeting 5: Working Lands and Agriculture

Location: Capital Building, Room 137, 1301 S. 6<sup>th</sup> Ave., Helena

Dates: July 30 - 31, 2013

### July 30 Information Exchange

Council representatives: Pat Connell, Janet Ellis, Gary Forrester, Jay Gore, Robert Lee,

Glenn Marx, Ray Shaw, Brad Hamlett, Bill McChesney, Carl Wambolt, Mike Volesky

Agency/invited partners:

USFWS: Brent Esmoil, Jeff Berglund;

Bureau of Land Management: Sandra Brooks, John Carlson, Floyd Thompson

Natural Resources Conservation Service: Tim Ouellette,

Department of Natural Resources and Conservation: Shawn Thomas, Kevin Chappel

US Forest Service: John Hagengruber

Montana Fish, Wildlife and Parks: Rick Northrup, Catherine Wightman

Public: Bob Green, Cloud Peak Energy; Rusty Shaw, Denbury Resources, Inc.; Jim Hagenbarth; Richard Brown, Wyo-Ben, Inc.; Hope Stockwell, Legislative Services; Dave Galt, MPA; Sam Milodragovich, Northwestern Energy; Jessie Luther, BKBH; Jerry Davis, MBA; Joe Perry, UGBEP chair; Rachel Frost,

Missouri River Conservation District Council; Mara Johnson, World Wildlife Fund;

#### **Initial discussion**

MOTION by McChesney – from this point forward record meetings and post on website Seconded by Shaw
Passed unanimously

Recording initiated mid-morning on 30 July.

G. Forrester introduced language regarding exceptions for Cedar Creek Anticline; discussion deferred.

### Review of draft documents from previous meeting

Handouts: draft recommendations table 19July

FWP strawdog rationale 29July

#### Agricultural conversion patterns in MT

Joe Smith, PhD Candidate, UM

Joe Smith presented an overview of agricultural conversion patterns and a model that can be used to assess risk of conversion to agriculture.

Presentation: Smith\_30July

# Sage-grouse response to grazing management

Lorelle Berkeley, FWP

Lorelle Berkeley presented a summary of her research on using grazing management as a tool for sagegrouse and sagebrush conservation.

Presentation: Berkeley 30July

**NRCS** conservation programs

**Tim Ouellette, NRCS** 

Tim Ouellette discussed NRCS easement and technical assistance programs in Montana and how they can be used for sage-grouse conservation.

Presentation: Ouellette\_30July

#### **Conservation easements**

# Glenn Marx, MALT & Rock Ringling, MLR

Glenn Marx discussed conservation easements: what they are, what they are not, and how they may be used for sage-grouse conservation. Rock Ringling provided examples of easements throughout the state.

Presentation: Marx\_30July

# Farm Bill Policy

### Catherine Wightman, FWP

Catherine provided an update on the Farm Bill and differences between the current Senate and House versions. In particular she discussed a national "sodsaver" provision (Senate version) that would reduce federal subsidies for crop insurance on newly broken ground.

# Ranching and sage-grouse

# Leo Barthelmess, Malta landowner

Leo Barthelmess discussed ranching and the ranching community in south Phillips County. He discussed how he and his neighbors are managing ranchlands to incorporate wildlife values.

- Established a small culture of wildlife having value and making adjustments based on what they learn
- Need to invest in people on the landscape; education and outreach important

# Ranching and sage-grouse

# Jim Hagenbarth, Idaho/Dillon area landowner

Jim Hagenbarth discussed his work with Idaho on their sage-grouse conservation plan and some of the challenges they encountered. The Council asked if Jim could provide some advice about how to approach landowners with a conservation plan and what might incentivize landowners to implement additional conservation practices.

### **DNRC** grazing management

**Shawn Thomas, DNRC** 

Shawn Thomas (Kevin Chappel) discussed grazing management on state school trust lands. Presentation: Thomas 30July

### **BLM** grazing management

# Sandy Brooks, John Carlson, Floyd Thompson

BLM staff discussed grazing management alternatives in draft Resource Management Plans and current grazing management.

Presentation: BLM\_30July

# **PUBLIC COMMENT**

Joe Perry – Dryland Farmer from Conrad and chair of Upland Game Bird Enhancement Program Thank you from UGBEP for tackling this; will involve shared pain among industry, landowners, sportsmen but that pain will pale in comparison to a listing decision; FWP habitat programs are your friend – sportsmen's dollars that can and have been used for the purposes that the Council is here; FWP has been proactive in use of these programs in sage-grouse country; Advice – don't waste time on short-term easements, perpetual easements are the only ones that will really shake out; predators are always a problem but no effective control available now, to be effective you need to do it in perpetuity and you will have a huge fight, predation is just a part of life; Sportsmen's #1 priority was access until Habitat programs were jeopardized – now #1 issue is habitat because faced with losing ability to manage habitat; sportsmen are watching; Good luck.

# Jim Hagenbarth - Idaho/Dillon Area landowner

Correlate # rabbits with # sage-grouse, demonstrates how predators had an effect; what is population that USFWS wants us to target? Energy companies – they have funding and will spend it to mitigate habitat in core areas; Every agency has different definition of AUM; Fencing – his crew has never found a sage-grouse hung up in a fence but another ranch (with good credibility) has said they have had strikes, it's an easy fix and pretty simple to satisfy public so crazy not to do it.

Tom Rich – Family farm and ranch owner south of Dillon, Beaverhead County Commissioner Beaverhead county is predominately agriculture and 70% public lands; compliment Dillon BLM office for working with ranchers; Most ranchers are using rest-rotation systems and are taking care of the land remarkably well; if improvements for sage-grouse are too vast, they should be scattered over years to make it workable, it all comes down to economics; Plans need to be made in conjunction with state/federal lands

# <u>Jay Bodner</u> – Montana Stockgrowers Association

Thank you for inviting Leo and Jim to talk, they represent the industry well; no two ranches are the same; need to build on research like the Roundup study; important to look at alternatives and opportunities, e.g., grassbanks; keeping livestock on state and federal lands is critical; WY plan is a pretty good start, reasonable to look at it; Grazing management is key to engaging landowners (e.g., SGI, MSU extension, FWP sagebrush initiative, etc.)

### Pat Farmer – biologist, Westech

In light of G. Forrester's comments, consider re-evaluating boundaries of core areas, perhaps using criteria that WY used; it would affect Cedar Creek and other areas in MT; concerned that exception language will set a precedent for additional exceptions, will USFWS fins exceptions acceptable? Based on Dr. Naugle's work not sure Cedar Creek population will survive for 100 yrs anyway; Consider re-evaluating core areas

#### **Bob Green**

Information on cheatgrass control at Council's request – cost of aerial application – 4oz of Plateau total cost is \$18/acre, effectiveness is very high; 92% reduction in first year in areas not clay and not dense mat; recovery of areas after cheatgrass treatment succeeded in 20-30% of range; very effective, provides opportunity for native understory to return

### July 31 Draft Recommendations

Council representatives: Pat Connell, Janet Ellis, Gary Forrester, Jay Gore, Robert Lee, Glenn Marx, Ray Shaw, Brad Hamlett, Bill McChesney, Carl Wambolt, Mike Volesky

Agency/invited partners:

USFWS: Brent Esmoil, Jeff Berglund;

Bureau of Land Management: Sandra Brooks, John Carlson, Floyd Thompson

Department of Natural Resources and Conservation: Shawn Thomas, Kevin Chappel

US Forest Service: John Hagengruber, Mary Manning (remote)

Montana Fish, Wildlife and Parks: Rick Northrup, Catherine Wightman

Public: Bob Green, Could Peak Energy; Rusty Shaw, Denbury Resources, Inc.; Leo Berry, GWP; Dave Galt, MPA; Lyba Solomesh, KTVH; Jay Bodner, MSGA; Chelcie Cremer, MFBF; Jeanine Cole, BKBH

# **USFS** grazing management (remote)

**Mary Manning** 

- WO Interim guidance to amend plans for sage-grouse; Beaverhead-Deerlodge NF amending with BLM SW MT and ID
- Ongoing allotment management: maintain, minimize, enhance and restore
- Habitat Assessment Framework using this
- Using Connelly et al.

# Discussion: Draft recommendations for working lands

<u>Handouts</u>: Research summary - ag conversion and sage-grouse

Summary of COT and other states' recommendations

#### Agricultural conversion

Two Issues: 1) Converting sagebrush to cropland and 2) Removing sagebrush from landscape

### Recommendations:

Federal – work with state to make sure feds don't change policy

State – in core areas, recommend a land board policy that there wouldn't be any conversion or removal of sagebrush on school trust lands

Private – incentives – governor = develop appropriate funding source for targeted easement programs in core areas

Marx – original MOTION – conversion from grazing land to cropland shall not be allowed on DNRC lands in core and general sage-grouse habitat areas.

MOTION by G. Marx – Catherine and Shawn work on language to prohibit conversion in core and restrict conversion in general habitat on state lands

Seconded - Gore

Vote – passed unanimously

Recommendation by Forrester that Council considers WY language on cooperation among state agencies when drafting this language.

#### **PUBLIC COMMENT**

Dave Galt. MPA – handout language relative to Cedar Creek Anticline; MPA supports language; would significantly alleviate their concerns re: development on Cedar Creek Anticline; still have some concerns

about pipelines and transmission lines and how that's going; recommend follow WY language; will prepare a letter; how will people define an active lek – at what point does that become something that is not a concern?

# Draft recommendations for working lands (continued)

# Agricultural Conversion continued:

MOTION by R. Lee – move that they consider sagebrush eradication as disturbance and will contribute to 5% disturbance factor

Seconded - Marx

Vote – unanimous

MOTION by J. Ellis - recommend governor as well as other state and federal agencies work with BIA and tribal governments as much as possible to adopt policies that prevent conversion to cropland agriculture Second - Forrester

Vote - unanimous

Recommendations for final language to include "work cooperatively" and add specific reference to sage-grouse habitat

MOTION by B. McChesney – recommend to Gov. that any expenditure of available FWP be prioritized in Habitat MT and UGBEP and other available funds for conservation of sage-grouse in core and general habitat

Discussion regarding whether this language prevents FWP from working on any other important habitat projects (e.g., an important elk project)

AMEND MOTION – <u>substantial proportion</u> of funding sources will be prioritized for protection, enhancement, restoration of sage-grouse habitat in core and general areas.

Seconded – J. Ellis

Vote - unanimous

\*\*\*generalize language to include all state funds and use Habitat MT as an example\*\*\*

MOTION by G. Marx - create voluntary incentives and non-regulatory measures designed to conserve sagebrush habitat and grazing lands within identified sage-grouse core and general habitat areas including private and state lands

Seconded – J. Gore

Vote - unanimous

# Conifer removal/invasive species

MOTION by J. Ellis – include language in COT report on p. 48 (4 points) modified to say conifer (not PJ), Second by G. Marx

Vote – unanimous

#### Farm Bill Policy

Some discussion of whether or not Council should weigh in on Farm Bill policy. Ultimately, Council decided not to take action.

# Oil and Gas discussion

Council discussed exception language handed out by D. Galt. G. Forrester led discussion - WY ex order, page 12, language is same.

MOTION by G. Forrester - to accept exception language as presented as part of surface area disturbance language;

Seconded by R. Shaw

SUBSTITUE MOTION by Hamlett – vote on this issue at next meeting

Seconded by McChesney

Vote - 7 yes (Gore, Marx, Hamlett, McChesney, Ellis, Wambolt, Lee), 3 no (Forrester, Connell, Shaw)

### **Grazing management**

MOTION by P. Connell – state of MT shall develop guidelines and prioritize areas to place fence whirly-gigs to ensure sage-rouse safety

AMENDED MOTION by R. Lee – amend to use language from COT report, page 52, 3 suggested conservation options

Seconded by J. Ellis

Vote – unanimous

MOTION by J. Ellis – Catherine and Shawn craft language relative to grazing on state lands, start with COT cons. options

cor cons. options

Seconded - J. Gore

VOTE – unanimous

#### West Nile Virus

MOTION by J. Ellis – Catherine working with Bob Green develops language regarding WNV for group to consider at future meeting

Discussion ensued regarding bringing in Dr. Johnson (MSU) to speak on WNV and other information at a future meeting before making decisions regarding WNV.

MOTION WITHDRAWN - J. Ellis

# Research

MOTION by G. Marx – state of Montana assists federal and state agencies, wildlife and agricultural organizations, and academic institutions conduct targeted research on sage-grouse in sage-grouse habitat.

Seconded by J. Ellis

Vote – unanimous

# Additional topics - timing stipulations, noise restrictions, others

#### Noise restrictions

 $\label{eq:motion} \mbox{MOTION by P. Connell -- to adopt WY language regarding noise restrictions} \\ \mbox{Seconded -- McChesney}$ 

Vote – unanimous

#### **Timing stipulations**

Request to engage Montana Department of Transportation in construction discussion.

Rusty Shaw and Bob Green indicated current timing stipulations requested by BLM are workable but additional stipulations would be difficult for industry.

Jeff Berglund indicated USFWS usually starts with a 4 mile buffer for disturbance; there is not a hard line but there is less support for less distance; there is a conclusive study that 0.25 mile is completely inadequate;

Council requested that BLM, Industry, Catherine work on examples of what is already being requested regarding timing stipulations and bring this to group.

Pat Farmer, Westech – developed a monitoring plan for Keystone XL pipeline construction; Mike Volesky requested that P. Farmer supplies a summary of Westech's timing stipulations

# Other business

MOTION by P. Connell – Immediate application to the US Fish and Wildlife Service for a State of Montana permit under the Migratory Bird Treaty Act for the abatement of ravens within core sagegrouse habitat areas. A special fund shall be developed either by public contributions and supplemented by legislative authority to provide a harvest bounty. The determination of specific areas to implement such an abatement hunt will be determined by MFWP.

Considerable discussion ensued.

Connell agreed to continue discussion at next meeting. FWP will provide a white paper discussing FWP's position on predator management and the scientific rationale, and recommendations for addressing public concern regarding predators and sage-grouse conservation.

Subcommittee was identified to begin drafting Council recommendations

The "writing team" – Paul Callahan, Bob Lee, Jay Gore, Gary Forrester, Glenn Marx – targeting Sept 3,

1pm; Catherine will provide a preliminary draft based on Councils decisions to date for the writing team to work from.